

Summary of Public Comments for MaineCare 2024 Rate Determination Schedule

The Department of Health and Human Services held a public forum on October 4, 2023. Written and verbal comments were accepted through November 14, 2023. Comments were received from the following stakeholders.

Table of Commenters

1. Heidi Mansir, Executive Director, Uplift, Inc.
2. Laura Cordes, Chair of the Rate System Subcommittee
3. Laura Cordes, Executive Director, Maine Association for Community Service Providers (MACSP)
4. Mallory Shaughnessy, Executive Director, Alliance for Addiction and Mental Health Services, Maine
5. Joe Kuhn, CEO, BFLI

Executive Summary

This Executive Summary reflects themes that emerged from multiple commenters. Please read the Detailed Summary of Comments below for a complete account of all comments. These materials summarize comments as presented and do not reflect agreement from the Department on the accuracy or conclusions of the comments.

Three commenters requested that Section 97, Private Non-Medical Institutions, Appendices E & F, be included in the CY 2024 Rate Determination Schedule, as it had been scheduled for CY 2023 and then postponed. Commenters shared that these providers have operated programs for years at a significant financial loss due to an outdated rate model that does not adequately support routine/variable and fixed expenses and that they have held on over the last year with the expectation that rates would be addressed in CY23. Commenters are concerned that providers may need to close their programs if this is not addressed immediately.

One commenter provided advisement on the Rate Determination that is currently in progress: 18, 20, 21, 29, HCBS for Individuals with Intellectual & Developmental Disabilities or Autism & Proposed Lifespan Waiver. The commenter specifically addresses Shared Living Providers under Section 21 and the notion that this service is a high outlier and more costly than it is in other states. The commenter warns not to reduce rates, or we risk members returning to institutional settings for care, instead of a home and community-based setting.

Detailed Summary of Comments

1. Commenter belongs to a private nonprofit organization providing supports and services to adults with intellectual disabilities and autism who are authorized for services under MaineCare Sections 13, 19, 21, and 97 (Appendix F). Commenter is very concerned to see that the rate determination for Section 97 PNMI (Appendix F) services which was included in CY 2023 has not commenced or been carried over into the proposed CY 2024 schedule. Commenter shares that their program has operated at a significant financial loss due to an outdated rate model that does not adequately support routine/variable and fixed expenses and that last year's announcement that this service would be included in the 2023 Rate Determination Schedule provided them with hope that a rate determination would provide the adjustments needed to keep their program open so they could continue to support individuals with disabilities in these settings. Commenter shares that without a schedule for rate determination, they will have to consider whether they can continue to provide this service and asks that Section 97 (Appendix F) be included in the schedule so that it may undergo a rate review utilizing provider service information and costs as originally planned.
2. Commenter is providing comments on behalf of the MaineCare Rate System Subcommittee, as chair of that committee, and for The Maine Association for Community Service Providers (MACSP). Commenter was pleased to learn that Section 21 T2016 Agency Home Support Services, as well as Section 21 & Section 29 T2021 Day Habilitation Services were added to the 2023 Rate Determination Schedule in an effort that began this fall to establish Lifespan waiver service rates and aligned Home and Community-Based (HCBS) Community Supports, Home Supports and Employment Supports in waiver sections 18, 20, 21, 29. Commenter appreciates the Department starting that work as soon as possible. Commenter shares that providers of Section 97 PNMI (Appendices E and F) are concerned that the rate determinations for both appendices which were included in CY 2023 schedule, have not commenced, or been carried over into the proposed CY 2024 schedule. Commenter explains that providers of these two services support over 200 MaineCare members and they continue to face significant financial loss due to an outdated rate model which does not adequately support routine/variable and fixed expenses. Commenter was surprised to see that these services were entirely removed from the schedule after its adoption. Last year's announcement that these services would be included in the 2023 schedule had provided hope that a rate determination would provide the adjustments needed to continue to support individuals with disabilities in these settings. Commenter states they are now at a crossroads with no future period for a determination in sight and recommends that Section 97 Appendices E and F be included in the schedule so that they may undergo a rate review utilizing provider service information and costs as originally planned.

3. Commenter is providing comments on behalf of the member agencies of the Alliance for Addiction and Mental Health Services. The Alliance has serious concerns about the newly proposed CY2024 Rate Determination Schedule. Commenter explains that up until the Department's update to the Rate Sub-Committee on October 30, 2023, members of the Alliance were of the understanding that Section 97 Appendix E and F would be getting a rate study in CY2023. The Department's update stated these sections would require more intensive service definition work before a rate determination could begin. Commenter shares that many providers held on and continued providing this service, believing that this rate was to be addressed this year, despite losing money repeatedly, year after year. These providers know that these residential beds for those with severe and persistent mental illness, are a critical part of our service array, and they loath to close sites. Commenter states that due to losses incurred over the past few years, many have already been unable to stay open or have had to close beds for lack of resources and appropriate staffing ratios and hearing recently that this rate structure is again being postponed for redress may cause some of these agencies to rethink their provision of services. Commenter assures the risk of closure is real, stating agencies literally may not be able to face the coming losses they know will result at end of year audits due to the antiquated and unfortunate formula still being used for PNMI E. Commenter on behalf of the Alliance for Addiction and Mental Health Services strongly urges the Department to continue this rate determination with haste, redacting the postponement or finding an interim way to fund these programs while a more in-depth analysis is conducted.
4. Commenter is concerned about potential rate reductions specific to the Shared Living Model under Section 21 Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder. This section is currently under review as part of the HCBS for Individuals with Intellectual & Developmental Disabilities or Autism & Proposed Lifespan Waiver, Rate Determination. Commenter referenced commentary from studies suggesting that this service is a 'high outlier' or more expensive than other states and warns that if rates are adjusted down too severely, agencies would be placed into a position where they would have to explain to shared living providers that their daily rate of pay is going to be reduced. Commenter explains that as rates increased, they continuously passed on the increases to the Home Providers. Commenter warns, that unless new rates will only apply to younger members just entering the system, what we have developed over decades, may crash. Commenter goes on to state that we have built considerable confidence and good will with our members and their families, convincing them to leave institutional models for a more community home-based model. Commenter fears this trend may be reversed if reductions are made to existing provider rates, initiating a domino effect that will drive consumers back into Agency Group Homes which are far more expensive than our model which is also so much more normal than an institutional model.